

**REGION IX**  
**RTOC WORKGROUP REPORTS**  
October - December 2008

**Tribal Science Council Workgroup:**

No report submitted

**Water Quality Standards Workgroup:**

Water Quality Standards Workgroup Report Update:

Ken Norton: Tribal Lead

Loretta Vanegas: EPA Lead

**Report:**

No action items to report at this time.

Water Quality Standards Workgroup Member List:

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**Solid Waste Workgroup:**

No report submitted

**Consultation Workgroup:**

No report submitted

## **Budget and Strategic Planning Workgroup:**

No report submitted

## **Air Workgroup:**

### **ROTOC Air Workgroup Conference Call Summary January 15, 2009**

The RTOC Air Workgroup held one conference call this quarter. The RTOC Tribal Co-lead for the Air Workgroup continues to forward information to the workgroup members as it becomes available.

#### **Participants:**

Judy Davis	Pyramid Lake
Bill Anderson	Augustine
Steven Estrada	Soboba
Samuel Elizondo	Picayune
Maureen King	ITCA
Chris Horan	Salt River
Becky Ross	San Manuel
Dan Catlin	Ft. McDowell
Helen Rain Waqui	Pechanga
Syndi Smallwood	Pechanga
Sara Bartholomew	Air Division, Region 9
Maeve Foley	Air Division, Region 9
Stephanie Valentine	Air Division, Region 9

#### **Before beginning the agenda Bill Anderson had a question for the USEPA:**

- The question concerned whether an area can be in attainment for PM2.5, but in non-attainment for PM10 and how the unclassifiable designation relates. Stephanie Valentine addressed the question saying that it is possible, because the sources of PM2.5 and PM10 can be different, but she will check to make sure this is the case in regards for making designations. The question was also raised: "Could being in attainment for one cause problems with requesting funding to monitor?" This does not stop Tribes from applying for funding. When sending letters concerning designations USEPA will try to be more clear.

#### **Agenda Items:**

##### **1. EPA Updates – Including NAAQS revisions upcoming or in process – USEPA Air Staff will also reporting the following at the quarterly RTOC in February**

- USEPA's requests for proposals for Clean Air were due on January 9, 2009. They are expecting proposals from 40 Tribes.
- Ozone designations: information was sent out in January 2009 – comments on these designations are due to USEPA by March 12<sup>th</sup>. Final designations will be in March 2010. Please note that these standards and other upcoming standards have been tightened.
- PM2.5 designations: the new standard was finalized in 2007; as of December 2008 final designations were issued.
- There was a question of whether the primary and secondary would remain the same and the answer was yes.

##### **2. ITEP/TAMS Updates**

- Chris Lee has been selected as the new TAMS Co-Director. Christopher Lee is a member of the Navajo reservation. He has worked with the Navajo EPA, Southern Ute EPA, and for the past year or so has been working in South Dakota. His start date is not available, but he is expected to start in the next few weeks.
- Syndi Smallwood has replaced Micah Gibson of the Yurok Tribe on the TAMS Steering Committee.
- ITEP and NTAA are working on organizing the 2009 NTF conference. Planning committee is developing a draft agenda. An announcement should be coming to the tribes soon. Tentative date and location: Milwaukee, Wisconsin, June 2-4, 2009.
- Anyone interested in submitting an article for the ITEP Native Voices newsletter, please contact Dennis Wall ([yogil@npgcable.com](mailto:yogil@npgcable.com) or 928-714-1906).
- ITEP will be unveiling a new website by the end of January dedicated to Tribal Climate Change issues. We would appreciate any feedback from the tribes and would like to include more tribal profiles if anyone is interested in sharing with us Climate Change projects occurring on tribal lands.

### **3. NTAA Update**

- The Executive Committee will be having a face-to-face meeting the last week of January. Please let Syndi or Stephen Hartsfield at NTAA know if you have any comments or concerns that you would like to have addressed at the meeting.
- The Executive Committee is working on a revision of the By-laws to address specific roles of the Executive Committee, NTEC, and NTAA Staff. At this time NTAA is an organization under the umbrella of NTEC which houses and holds the financial aspect of NTAA. NTAA's website <http://www.ntaatribalair.org/index.html> has current information on air issues.
- NTAA was established to assist Tribes with policy, develop documents, and assist with comments for various air issues. Most recently NTAA reviewed the Advanced Notice of Proposed Rulemaking: Regulation of Greenhouse Gases under the Clean Air Act (ANPR) and developed a template for Tribes to use for comments. NTAA is also working on a Transition document that will be completed by the end of this month. A template letter was also sent out to Tribes to comment on the Geologic Sequestration of CO<sub>2</sub>.
- NTAA Representation for Region 9 – The 2-year term for the delegate and alternate to the NTAA Executive Committee ends in February. At this time Jill Sherman-Warne is the delegate and Syndi Smallwood is the alternate. Syndi has let Dan Mosely know that the term is up and he has discussed with the RTOC Reps that the Air Workgroup can make nominations as was done two years ago and the Tribal Caucus will confirm at the RTOC meeting in February. Steven Estrada, Soboba nominated Syndi Smallwood as delegate and Judy Davis concurred, no other comments were made. Syndi stated that she would be glad to be the delegate especially after so much work has been done by the Executive Committee to get NTAA on track and with the Bylaw revisions in process. Syndi also commented that this is the first time that NTAA has had representation from all of the regions and that she would like to see the nominations taken care of before the term ends so that Region 9 is represented and there are not empty seats for a long period of time as there have been in the past. An alternate will also need to be chosen and Syndi stated that Erica Helms-Schenk has been interested; Steven verified that she would be happy to be the alternate; Helen Rain Waquiu nominated Erica. Syndi stated that if anyone had other nominations to please send them to her before the RTOC quarterly meeting.

### **4. R9 RTOC Transition Document**

- Syndi needs to check in with Marta to see how the Transition document is going and if further input is needed from the Air Workgroup; she will email Marta with the Air Workgroup cc'd.
- This is the information from the conference call in October: The workgroup has held two conference calls to discuss the air portion of the Transition document. The following includes input from workgroup members on how they would like to see the document address air issues:
  1. Renewable energy on Tribal lands
  2. Climate change and its effects on Tribal lands; what changes are expected to occur and strategies to address these changes
  3. Tribes need adequate training and capacity to interact with regulating jurisdictions
  4. Increase Tribal access to air monitoring equipment (especially Tribes with little or no funding)
  5. Have the new administration present a positive position on Climate Change, Global Warming, Greenhouse Gases, and Carbon Footprint issues rather than just a "stand back out of the way" position
  6. A categorical grant program or at least some positive work plan ideas and policies within the scope of the air and water grants that address Global Warming concerns.

**5. Anything else?**

- There were no announcements.
- Syndi asked if there is anything from the group that they would like to see the RTOC Air Workgroup working on. If anyone has any ideas please let Syndi and the Air Workgroup know.
- Sara Bartholomew thanked everyone for participating, as did Syndi – this is the first time in a very long time that there have been so many participants on the call. THANK YOU ALL!!!

**Quality Assurance Workgroup:**

No report submitted

**Drinking Water / Waste Water Workgroup:**

**Prepared by:** Linda Reeves, EPA Lead; Denice Morphew, Tribal Lead; Marta Burg, RTOC Legal Advisor

**Date Prepared:** January 7, 2009

**GOAL:** The Drinking Water / Wastewater Workgroup's goal is to improve tribal access to drinking water and wastewater sanitation through regional and national efforts, and interagency and collaborative efforts to address both physical infrastructure needs and support asset protection activities, including protecting and increasing funding.

**OBJECTIVES:**

1. Participate in the National Infrastructure Task Force and Access Subgroup to achieve the Goal to Increase Tribal Access to Safe Water by 50% by 2015

Status: The Access Subgroup provided the following recommendations to the National Infrastructure Task Force on the proposed Economic Recovery Stimulus Appropriation

- EPA, IHS and BOR should provide outreach to tribes, tribal organizations, partner agencies and others.
- Task Force Agencies, if called upon to provide input to the Economic Recovery package, should support waiver of the 1.5% cap on CWTSA and DWTSA funds for tribes.

- In coordination with tribes, EPA and IHS should allow a variety of mechanisms for awarding funds, including: Interagency Agreements between EPA Headquarters and IHS Headquarters, Interagency Agreements between EPA regions and IHS area offices, and direct grants from EPA regions to tribes.
- EPA should be allowed, after discussions with IHS and tribes, to transfer appropriated funds between the CWTSA and DWTSA based on needs.
- EPA should allocate DWTSA and CWTSA funds nationally according to access needs as defined in the draft Access Implementation Plan. (This would increase funding for tribes in Region 9.)
- Project funding consideration should be allocated towards projects that not only address higher deficiency level needs but also demonstrate readiness to proceed to create jobs.
- EPA should reallocate any CWSRF and DWSRF funds not allocated by 9/30/09 or executed in loans within 120 days of the capitalization grant award date. For the DWTSA, provide the maximum 10% of any reallocated funds to tribes in accordance with the Safe Drinking Water Act Section 1452(E).
- BOR should create a tribal set aside for any funds appropriated to the rural water supply program, and allow tribes to satisfy any match requirement with other federal funds. Although this program provides grants for pre-construction activities as opposed to construction, tribal access to this fund for planning, design and other pre-construction tasks will serve to (a) employ people in conjunction with those activities; (b) make additional funding from other programs available for construction; and (c) enable more construction-ready projects that can benefit from stimulus funding and therefore assist in achieving the Access Goal.

Contact: Linda Reeves (415) 972-3445, Marta Burg (323) 258-1009

2. Continue to lead the Regional Interagency Drinking Water / Wastewater Workgroup  
Status: An all day Regional Interagency Workgroup meeting was held 10/23/08 during the Annual Tribal Environmental Conference. The Workgroup seeks tribal feedback on this meeting, the timing of the next meeting, and the focus for future interagency activities.  
Contact: Linda Reeves, Denise Morpew (775) 265-8600, Marta Burg
3. Implement Tribal Water Collaborative Projects  
Status: See attached status report. At the 10/23 interagency meeting, tribe's provided an update on tribal collaborative projects and suggested new projects.  
Contact: Linda Reeves
4. Develop a tribal small system drinking water monitoring assistance program – The tribal monitoring assistance program will be modeled after Arizona's drinking water Monitoring Assistance Program which conducts sampling and analysis for small public water systems. Utilities pay a nominal annual fee, the program achieves bulk discounts at labs, and utilities achieve greater compliance with the Safe Drinking Water Act at a reduced cost.  
Status: ITCA had 4 meetings with Arizona Department of Environmental Quality to learn about its monitoring assistance program. Three laboratories are willing to participate in the program, including 29 Palms. ITCA is coordinating with the Tribal Water Systems Operator Workgroup meetings. Pilot tribe has not yet been selected.  
Contact: Deborah Patton ITCA (602) 307-1548, Bessie Lee (415) 972-3776
5. Coordinate with IHS and BIA  
Status: At the 10/23 Regional Interagency Workgroup meeting, Ron Ferguson, IHS HQ, and Jim Fletcher of BIA discussed 638/Compacting, O&M, other topics.  
Contact: Linda Reeves
6. Support tribal asset protection projects  
Status: Since FY 07, GAP has provided a total of \$630K to implement asset protection programs for 30 tribes.  
Contact: Hillary Hecht (415) 972-3790
7. Change California regulations to ensure that tribal wastewater operators can use their experience working at tribal facilities to obtain California wastewater operator certification

Status: The Office of Operator Certification has completed the regulations package. The State Water Board internal review and approval process has begun and they have received several of the required approvals. After the Executive Director signs off on the regulations package, it will go to CalEPA and then to the Department of Finance. Getting the sign offs from CalEPA and the Department of Finance may take awhile. The tentative time-frame to start public noticing is late January 2009.

Contact: Tom Keegan (707) 473-2182, ext. 113, and Linda Reeves

8. Continue outreach and education on tribal water infrastructure and asset protection needs and solutions, through NTOC, National Congress of American Indians and other national tribal organizations

Status: Through coordination, a consistent message is being presented to the Transition Team. NTOC met with the Obama Transition Team and is focusing on the Strategic Plan, Transition document, and the proposed Economic Recovery Stimulus Appropriation to support the goals for all tribes and to ensure that all tribal needs are transferred to the new administration. Specific areas of emphasis include:

- Water infrastructure targeted funding and O&M
- Core Water Quality Standards necessary to protect tribal water quality, and appropriate consultation for Core Water Quality Standards with op in/opt out
- Treatment like a state, so money can flow directly to tribes
- Tribal NPDES permits to ensure off-reservation pollution not flowing into reservation

The National Tribal Water Council is providing a consistent message, emphasizing NTOC and RTOC goals, including:

- Emphasis on climate change, with assistance to tribal communities for adaptive management. A Tribal Nations Accord is needed to address climate change. In arid Southwest, climate change concerns are compounded.
- Tribes will request that new administration support Access workgroup and need for more money.

Contacts: For NCAI coordination, contact Wilfred Nabahe (760) 876-4690; for NTOC coordination, contact Ken Norton (530) 625-1004 and Clay Bravo at (928) 769-2255; for National Tribal Water Council coordination, contact Deb Misra at (928) 871-7701 and see <http://nationaltribalwatercouncil.org/>.

9. Access State funding for tribal drinking water and wastewater – Barriers to tribal access to state funding will be evaluated, including access to California bond funds and SRF funds.

Contact: Marta Burg

10. Reevaluate Drinking Water Tribal Set-Aside (DWTSA) Health Ranking Criteria – At the request of Navajo, the Workgroup discussed reevaluating the DWTSA health ranking criteria for extensions of public water systems and the ranking of uranium projects considering the new MCL was established after the latest revision to the health ranking criteria. The Workgroup discussed this on a 5/29/08 conference call and at the 7/31/08 RTOC breakout session.

Status: Pending direction from the tribal caucus.

Contact: Linda Reeves, Deb Misra

11. Workgroup Transparency

Visit the Workgroup website (blog):

<http://rtocwaterworkgroup.blogspot.com/>

Username: RTOCwaterworkgroup

Password: waterworkgroup

Contact: Linda Reeves

## **Status of Tribal Water Collaborative Projects and Needs January 2009**

### **Projects Ongoing**

Big Valley Drinking Water and Wastewater

Need: Numerous trailers lack access to drinking water.

Status: Interagency meetings held. EPA tested water to trailers and it is safe to drink. Tribe seeks USDA funding for washeterias, and IHS scattered housing funds. IHS funds received for leach field repairs. EPA's Environmental Justice team and volunteers repaired worst trailers. SDS project developed.  
Contact: Sarah Ryan, Big Valley; Linda Reeves, EPA

#### Hopi Drinking Water Supply for First and Second Mesa

Need: Hopi has expensive, deep, low producing wells with arsenic. Arsenic treatment options are not feasible due to the presence of vanadium in the water supply which interferes with many of the arsenic treatment. A new water source was identified 20 miles away which would be a long term sustainable solution. Due to the estimated \$15-20M cost, this will have to be a multi-phased approach.  
Contact: Jason Crownholm, IHS (928-537-0578)

#### Hualapai Water Storage Tank and Transmission Line

Need: Tribe seeks funding for a 60 mile pipeline on top of the canyon and a 20 mile pipeline coming up the canyon to address their needs.  
Status: The Tribe received funding for a water hauling truck from the Bureau of Reclamation and continues to seek other collaborative partners to complete the project. The Tohono O'odham Utility Authority offered Hualapai a water storage tank; however, the cost to move the tank was greater than the cost to purchase a new tank.  
Contact: Alex Cabillo, Hualapai

#### La Jolla Tribal Collaborative for On-Site Wastewater Management

Need: The Tribe wants to create a business to pump septic tanks at the reservation and neighboring reservation at a reduced cost that will still generate sufficient revenue to properly operate and maintain the tribe's septage treatment lagoon while protecting the San Luis Rey River watershed by ensuring that septic tanks on tribal lands are properly operated and maintained.  
Status: With EPA Tribal Border Infrastructure funds, the Tribe constructed a septage lagoon which miraculously did not burn when the Poomacha fire burned nearly all the reservation. The Tribe also recently purchased a septic pumper truck to replace an old, undersized truck. IHS created as-builts for septic tanks and the Tribe has a database of tank details. RCAC and EPA conducted septic tank inspection trainings. Several neighboring tribes are interested in participating in the Collaborative. The San Diego Foundation also contributed funds for the project, including support for Walking Shield (<http://www.walkingshield.org/>), an Indian assistance organization that mobilized the Military Readiness Reserves (<http://www.dod.mil/ra/html/irtcontent.html#faq>) to repair culverts on the access road to the tank site.  
Contact: Rob Roy, La Jolla; Linda Reeves, EPA

#### Los Coyotes Well Needed for Planned Community

Need: Water source needed for planned tribal housing area in the lower water system.  
Status: BIA invited the tribe to apply for funds for exploratory drilling.  
Contact: Sandra Stoneburner, Los Coyotes; Gil Stewart, BIA

#### Navajo Feasibility Study for Homes Lacking Access

Need: A feasibility study is needed to evaluate alternatives to serve homes lacking access. A water hauling truck would not be included in this feasibility study.  
Status: The Tribe submitted to EPA a Drinking Water Tribal Set-Aside proposal to prepare a feasibility study to evaluate options to serve residents that haul water and to implement a pilot water hauling project. A brainstorming session is planned for November with all the relevant Navajo departments, IHS and EPA to discuss options for addressing Navajo's water needs.  
Contact: Deb Misra, Navajo; Linda Reeves, EPA

#### Navajo Wastewater Program

Need: Navajo is developing a wastewater program and seeks funding and sample ordinances to assist in drafting wastewater regulations and minimum design standards.  
Status: EPA 106 and GAP funds are available to develop a wastewater program. Sample tribal ordinances are available at: <http://www.narf.org/nill/triballaw/index.htm>.

Contact: Deb Misra, Navajo

#### Resource Clearinghouse

Need: Tribes can help each other by sharing surplus equipment/infrastructure/resources through a clearinghouse which will include the categories the retired equipment can be used for, recognizing that federal design specifications may limit use of clearinghouse equipment. A tribal website could list the needs and resources to share, similar to the CalWARN emergency response resources.

Status: Initial planning beginning.

Contact: Denice Morphew, Washoe Tribe

#### Septic Tank Access Risers

Need: Access risers are need for all existing septic tanks.

Contact: Eagle Jones, RCAC (760-484-1715)

#### Torres Martinez Water Collaborative

Need: Wastewater lagoons at large trailer parks within the boundary of the reservation threaten public health and the environment.

Status: The tribe is impacted by encroaching development, lack of affordable housing, trailer parks wastewater needs, water quality concerns and arsenic. A regional plan is needed to address housing and infrastructure.

Status: The tribe improved relations with the local water district. With leveraged federal funds and local resources, the tribe completed a feasibility study for all water infrastructure needs within the boundary of the reservation, and the local water district prepared a Preliminary Engineering Report and Environmental Assessment for the Tribe's highest priority need to extend a sewer to serve trailer parks. EPA Tribal Border Infrastructure will fund design of the sewer and the local water district will apply to USDA for construction funds. The tribe is also exploring California Proposition 50 and disadvantages community funds.

Contact: Alberto Ramirez, Torres Martinez; Linda Reeves, EPA

### **Project On-Hold**

#### Water Planning Model

Need: \$20,000 needed to modify a San Diego water planning model which can serve as a screening tool.

Contact: Mike Connolly, Campo; Barbara Cross, California Department of Water Resources; Gil Stewart, BIA

### **Projects Completed**

#### Big Pine Water Storage Tank

Need: Old tank needed rehabilitation and had insufficient water storage capacity. EPA funded the project; however, delays in implementing the project resulted in \$150,000 of cost increases.

Status: EPA/IHS/RD funded cost increase. New tank constructed and in operation.

Contact: Alan Bacock and Tara Hess-McGeown, Big Pine; Roger Yates

#### Central Valley's Tribal Environmental Consortium Tribal Water Collaborative

##### North Fork

Need: Septic tanks are difficult to operate and maintain because they were constructed without access risers.

Status: With support from IHS and RCAC, the Tribe inspected 24 septic tanks, installed access risers on all tanks, improved 3 failed leach fields and replaced 1 failed septic tank

Contact: Rodney Clements, North Fork; Linda Reeves, EPA

##### Picayune

Need: Three septic tanks serving government buildings require pumping once or twice a week and frequently overflowed onto the ground.

Status: With substantial tribal matching funds, the Tribe connected the government building to the Tribe's wastewater treatment plant and properly abandoned the 3 septic tanks.



Contact: Samuel Elizondo, Picayune; Linda Reeves, EPA

#### Hualapai Sewer and Water Project for 3 Homes

Need: Three homes lack access to safe drinking water and basic sanitation.

Status: Hualapai constructed bathroom additions, installed fixtures and connected the homes to adjacent sewer and water lines. EPA funded proper abandonment of the existing pit privies. Contact: Alex Cabillo, Hualapai

#### Navajo Livestock Well Analyses

Need: Residents haul water from livestock wells which may be contaminated.

Status: CDC and EPA completed water sampling of livestock sources: 75% have total coliforms and other samples have uranium and arsenic. Signs are being posted warning residents not to drink from livestock wells. Navajo's circuit rider and Public Information Officer and representatives of a non-government organization are attending Chapter Meetings informing residents of the dangers of drinking from these sources. A public service announcement campaign is also underway. Navajo also submitted a DWTSA proposal for a feasibility study to evaluate alternatives to serving residents that haul water, including a one year water hauling pilot project. Also, an Access Implementation Workgroup is evaluating technical alternatives to piped water at Navajo.

Contact: Deb Misra, Navajo; Clancy Tenley and Linda Reeves, EPA

#### Navajo Nation Circuit Rider

Need: Insufficient technical assistance is available to address needs of the regulated public water systems and to ensure that water hauled by residents is safe to drink.

Status: The Navajo Nation received EPA Office of Enforcement and Compliance Assistance funds to support a circuit rider to provide technical assistance to water operators and to ensure that water hauled by residents is safe to drink.

Contact: Deb Misra, Navajo; Bessie Lee, EPA

#### Robinson Rancheria Drinking Water

Need: Tribe is concerned about its water supply from the Nice Mutual Water Company (NMWC).

Status: Tribe, NMWC, IHS and EPA met on 2/4/08 to address the Tribe's concerns: NMWC explained infrastructure improvements which will increase capacity and reduce disinfection byproducts; Tribe shared emergency contacts; NMWC provided key to gate on tank access road; NMWC provided 2007 tribal water consumption data; NMWC approved purchase of 10 cubic yards of cobblestone for erosion at base of tank and the Tribe volunteered to do the work to restore the area. Based on tribal water samples at 5 individual wells with nitrate treatment systems, IHS determined that the treatment systems were functioning properly. Finally, Irenia Quitiquit successfully ran for election to the NMWC Board in June.

Contact: Irenia Quitiquit, Robinson; Mary Weber, IHS; Lind

#### **National Infrastructure Taskforce:**

No report submitted

#### **Enforcement and Compliance Assistance Workgroup:**

No report submitted

#### **Conference Planning Workgroup:**

No report submitted

#### **Emergency Response and Emergency Planning Workgroup:**

No report submitted

**Charter Workgroup:**

No report submitted – will be meeting Feb 2 at 9pm in the Apache Gold Hotel, San Carlos, AZ

**Representation Workgroup:**

No report submitted

**Pesticides Workgroup:**

No report submitted

**Webpage Workgroup:**

No report submitted